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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,687	03/09/2001	Seppo Reino Keronen	169.1469CIPII	3242
5514	7590	02/17/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			FUREMAN, JARED	
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NEW YORK, NY 10112			PAPER NUMBER	

2876

DATE MAILED: 02/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/801,687

Applicant(s)

KERONEN ET AL.

Examiner

Jared J. Fureman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2003 and 22 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-21 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Receipt is acknowledged of the amendment and IDS, filed on 9/22/2003, the IDS, filed on 9/24/2003, and the supplemental amendment, filed on 11/12/2003, all of which have been entered in the file. Some of the references on the IDS, filed on 9/22/2003, have been lined through, since they were cited on a previous IDS. Claims 1-21 are pending.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 5, 6, 8-11, and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al (US 6,249,644 B1) in view of Patton (US 5,845,160).

Inoue et al teaches a virtual image album system comprising: a card (an index print) comprising a substrate, indicia (the images on the index print) formed on the substrate and being representative of image data accessible via the card (the images on the index print are representative of image data on the film cartridge 52 or optical disk 53), a reader (remote control 19) for the card, the reader comprising a touch sensitive membrane (transparent touch panel 19a) arranged to overlay the card and through which the indicia are visible (see figure 3), the reader being adapted to output specific function data associated with a user selected one of the indicia (the remote control is used to identify the specific frame selected by the user) to a external device

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(film player 51 and/or album apparatus 54), thereby to reference specific said image data (the selected frame is used to identify which image should be read and displayed on the monitor 55) , an image store (film cartridge 52 or optical disk 53 and associated reading means) adapted to receive the specific function data, and to output the specific image data in response thereto, a user display (monitor 55) adapted to receive the specific image data from the image store and further display the specific image data, the image data comprises still-image data (the images are still photos), the indicia comprise thumbnail images (see figure 3) each representative of a corresponding still-image, the image store is a CD-ROM (optical disk 53) located in proximity to the user, and the specific image data is provided to the user display via a local data connection (connections between the album apparatus 54, the film player 51 and the monitor 55), a service providing device (film player 51, album apparatus 54) for a virtual image album system including a processor (processors 5, 11, system controllers 21, 35) for storing digital images that were digitized from photographic film (film cartridge 52) in an image store (optical disk 53) and storing function data to access the image store, wherein the function data is a command and memory address to read a specific image data from an image store (film cartridge 52 or optical disk 53) that is located in proximity to the user (see figures 1, 3, 8-10, column 1 line 8-12, column 4 lines 44-60, column 5 lines 52-54, column 7 lines 39-49, and column 8 lines 36-42).

Inoue et al fails to specifically teach the card substrate having a memory device associated therewith, the memory device including mapping data arranged to associate a location of the indicia on the substrate with corresponding function data stored in the

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memory device, the reader device including a connector to connect to the interface card and a processor for reading the function data associated with the indicia, a processor for storing function data to access the image store into a memory device in a control card.

Patton teaches a card (14) comprising a substrate having a memory device (data storage unit 20 and/or bar code identification number 44a) associated therewith, indicia (imagettes 18) formed on the substrate, the indicia being representative of image data (the imagettes represent image files 16a stored in image file set 16), the memory device including mapping data (a common order of imagettes 18 and image files 16a) arranged to associate a location of the indicia on the substrate with corresponding function data (such as audio data stored in storage unit 20) stored in the memory device, a reader (input unit 32) for the card including a connector (interface 26 and/or read element 46) to connect to the interface card and a processor (not shown, but necessary for reading/interpreting data from the interface 26 and read element 46) for reading the function data associated with a user selected one of the indicia and outputting the function data and corresponding mapping data to a external device (controller 50) to reference specific image data, a processor for storing function data to access the image store into a memory device in a control card (the system as taught by Patton necessarily includes a processor to store data in the data storage unit 20 and/or to transform the data into an identification number 44a form) (see figures 1, 2, 4, column 1 line 52 - column 2 line 7, column 2 line 43 - column 4 line 21, column 5 lines 1-32, column 7 lines 5-20, and column 9 lines 12-45).

In view of Patton's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the system as taught by Inoue et al, the card substrate having a memory device associated therewith, the memory device including mapping data arranged to associate a location of the indicia on the substrate with corresponding function data stored in the memory device, the reader device including a connector to connect to the interface card and a processor for reading the function data associated with the indicia, a processor for storing function data to access the image store into a memory device in a control card, in order to provide a means for automatically associating the card with specific image data and audio data corresponding to specific images, thereby simplifying the use of multiple cards with the system.

3. Claims 3, 4, 7, and 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al as modified by Patton in view of Munyan (US 5,761,485).

The teachings of Inoue et al as modified by Patton have been discussed above.

Inoue et al as modified by Patton fails to specifically teach the image data comprises video image data, the thumbnail images being representative of a corresponding video sequence, the image store being located remotely from the user, and the specific image data is down-loaded to the user display over a network in accordance with the user selected one of the indicia, wherein the function data is a command and memory address to down-load the specific image data to a user display over a network from an image store that is located remotely from the user.

Munyan teaches a virtual image album system including, image data comprising video image data (video clips or animation sequences), displaying thumbnail images (icons 101) each representative of a still-image (photographs, for example) or a corresponding video sequence (a video clip, for example), and downloading specific image data corresponding to the thumbnail images to a user display (display screen 20 or 30) over a network (telephone lines 9, for example) in accordance with a user selected one of the indicia, wherein the system includes function data (data/commands associated with icons 101) that is a command and memory address to download the specific image data (image data corresponding to icons 101) to a user display (20, 30) over a network (9) from an image store (database storage devices 16) that is located remotely from the user (see figures 1, 3, column 1 lines 5-15, column 4 lines 63-67, column 5 lines 66 - column 6 line 58, column 7 lines 16-58, column 8 line 66 - column 9 line 4, column 10 lines 63-67, column 11 lines 57-62, column 12 lines 43-49, column 14 lines 26-32, and column 15 lines 47-60).

In view of Munyan's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the system as taught by Inoue et al as modified by Patton, the image data comprises video image data, the thumbnail images being representative of a corresponding video sequence, the image store being located remotely from the user, and the specific image data is down-loaded to the user display over a network in accordance with the user selected one of the indicia, wherein the function data is a command and memory address to down-load the specific image data to a user display over a network from an image store that is located remotely from

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the user, in order to provide a greater variety of images/video image data available to the user, thereby increasing the versatility of the system.

Allowable Subject Matter

4. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record, taken alone or in combination, fails to teach or fairly suggest at least one part of the image data corresponding to the selected one of the indicia being stored independent of a spatial distribution of the indicia on the card, in combination with the other claimed limitations as set forth in claim 2.

Furthermore, without the benefit of applicant's teachings, there is no motivation for one of ordinary skill in the art at the time of the invention to combine the prior art in a manner so as to create the claimed invention.

Response to Arguments

6. Applicant's arguments filed 9/22/2003, regarding claims 1, and 3-21, have been fully considered but they are not persuasive.

In response to applicant's argument that Patton fails to teach or fairly suggest a memory device of a card substrate that includes mapping data that associates a location of indicia on a card's substrate with function data stored in the memory device to reference specific image data (see page 12 of the amendment filed on 9/22/2003), Patton teaches that data storage unit 20, of index print 14, stores audio data or the like

corresponding to specific imagettes/images (see column 3 lines 28-41, of Patton).

While Patton describes that the imagettes may be matched to the images according to a common order (see column 5 lines 1+), this common order nonetheless represents a mapping of the imagettes and images. The order of the imagettes and images must be known in order to retrieve the correct image data and corresponding audio data. Thus, the mapping data (such as the number in the common order) is used to associate a location of the imagettes on the index print with function data (such as audio data corresponding to a selected imagette) stored in the memory device to reference specific image data (the image data is referenced by retrieving the image data and audio data that corresponds to a selected imagette). Thus, Patton does teach a memory device of a card substrate that includes mapping data that associates a location of indicia on a card's substrate with function data stored in the memory device to reference specific image data. Therefore, the combination of Inoue et al, Patton, and Munyan meet the claimed limitations.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shih et al (US 6,674,923 B1) teaches a virtual image album system and method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared J. Fureman whose telephone number is (571) 272-2391. The examiner can normally be reached on 7:00 am - 4:30 PM M-T, and every other Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

January 26, 2004

Jared J. Fureman
Jared J. Fureman
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